



Senate

General Assembly

File No. 394

January Session, 2007

Substitute Senate Bill No. 1250

Senate, April 10, 2007

The Committee on Planning and Development reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO IMPOSE A SURCHARGE TO COVER THE COSTS OF IMPLEMENTING THE CLEAN WATER PROJECT, ADOPT PROCUREMENT PROCESSES AND COMPLY WITH MINORITY HIRING AND SET-ASIDE GOALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Number 438 of the special acts of 1941 is amended to read
2 as follows (*Effective from passage*):

3 (a) In any town or city in which The Metropolitan District shall
4 furnish water directly to the inhabitants for domestic and other
5 purposes and shall maintain a sewer system, it may impose for
6 purposes connected with said sewer system as hereinafter stated, a
7 sewer rate upon the users of such water who also use said sewer
8 system, which rate shall be proportional to the quantity of water used
9 as determined by water meters installed and serviced by said district,
10 and shall so far as practicable be uniform throughout the territory
11 served.

12 **(b)** Such sewer rate shall appear on the water bills of said district as
13 a separate item and shall be due and payable at the same time as the
14 water bills are due and payable. Delinquency in the payment of either
15 water or sewer rates, either non-payment or delay in payment, shall
16 render the user liable to penalty and to the discontinuance of the water
17 service and to a lien upon the premises of the user similar to that now
18 provided in case of non-payment of water rates.

19 **(c)** The avails of such sewer rate shall be used only for the
20 construction, maintenance, including the maintenance and operation
21 of sewer protection gates and works, repair or reconstruction of said
22 sewer system, any one or more of such purposes, and the payment of
23 the principal and interest of bonds issued for any of such purposes to
24 the extent and in the manner which the district board may, by
25 ordinance, prescribe as hereinafter provided.

26 **(d)** In accordance with and subject to the limits imposed by this
27 section, the district board may from time to time adopt, alter or repeal
28 ordinances determining the nature and amount of such sewer rates,
29 adjusting special cases, by measurement or estimation of sewer flow,
30 where quantity of water used does not properly reflect use of the
31 sewer. Such ordinances may prescribe the methods of collection and
32 may provide for penalty and discontinuance of water service and lien,
33 and may prescribe and limit the purposes for which the avails of the
34 sewer rates shall be used. Nothing herein contained shall preclude the
35 use of other methods of meeting the expense of such sewer system as
36 are now or may hereafter be provided by law.

37 **(e)** The district board, by ordinance, may establish and revise a fee
38 to be imposed on member municipalities and customers sufficient to
39 pay the cost of financing capital expenses necessary to comply with a
40 certain consent decree executed by the Metropolitan District
41 Commission of Hartford on or about March 23, 2006, in a case pending
42 in the United States District Court for the District of Connecticut
43 encaptioned United States of America and State of Connecticut v. The
44 Metropolitan District Commission of Hartford, Connecticut.

45 Sec. 2. Section 39 of number 511 of the special acts of 1929, as
46 amended by special acts 80-14 and 90-14, is amended to read as follows
47 (*Effective from passage*):

48 (a) Whenever any work shall be necessary to execute or perfect any
49 public work or improvement, or whenever any supplies for the district
50 shall be needed for any particular purpose and such work or supplies
51 shall involve the expenditure of more than ten thousand dollars, except
52 in the case of an emergency to be determined by the district board, a
53 written contract for such work or supplies shall be made under such
54 regulations as the district board may establish, which contract shall be
55 based on sealed bids made in compliance with public notice, duly
56 advertized by publication, in a daily newspaper published in said
57 district, at least five days before the time fixed for opening such bids or
58 proposals.

59 (b) The district board, by ordinance, shall adopt procurement
60 processes and limits for contracting for goods and services. Such
61 ordinance shall provide for (1) expenditure limits for contract bidding,
62 (2) selection of contractors, (3) use of quality-based selection for
63 professional services, (4) low bid selection, (5) procedures to meet state
64 or federal requirements for funding, (6) ethics standards, and (7) any
65 other provisions necessary to protect the interest of the district.

66 Sec. 3. (*Effective from passage*) (a) As used in this section:

67 (1) "District board" means the district board of the Metropolitan
68 District of Hartford County.

69 (2) "Small contractor" means any contractor, subcontractor,
70 manufacturer or service company (A) which has been doing business
71 and has maintained its principal place of business in the state for a
72 period of at least one year prior to the date of application for
73 certification under this section, (B) which had gross revenues not
74 exceeding three million dollars in the most recently completed fiscal
75 year prior to such application, and (C) at least fifty-one per cent of the
76 ownership of which is held by a person or persons who are active in

77 the daily affairs of the business and have the power to direct the
78 management and policies of the business.

79 (3) "Minority business enterprise" means any small contractor (A) in
80 which fifty-one per cent or more of the capital stock, if any, or assets of
81 which are owned by a person or persons who (i) are active in the daily
82 affairs of the enterprise, (ii) have the power to direct the management
83 and policies of the enterprise, and (iii) are members of a minority, and
84 (B) who has a certificate of eligibility issued by the Department of
85 Administrative Services under regulations adopted under section 4a-
86 60h of the general statutes.

87 (4) "Minority" means (A) Black Americans, including all persons
88 having origins in any of the black African racial groups not of Hispanic
89 origin; (B) Hispanic Americans, including all persons of Mexican,
90 Puerto Rican, Cuban, Central or South American, or other Spanish
91 culture, origin, regardless of race; (C) Asian Pacific Americans and
92 Pacific islanders; or (D) American Indians and persons having origins
93 in any of the original peoples of North America and maintaining
94 identifiable tribal affiliations through membership and participation or
95 community identification.

96 (5) "Ex-offender" means any person who has been convicted of an
97 offense and been released from any incarceration, paid all fines in
98 conjunction with such conviction and been discharged from any
99 probation or parole, if applicable.

100 (b) The district board of the Metropolitan District of Hartford
101 County shall not enter into an agreement with a contractor or
102 subcontractor for the construction or reconstruction of capital
103 improvements to the water supply system or sewerage system
104 operated by the district unless such contractor or subcontractor
105 supplies information to the district sufficient for the district to
106 determine that (1) twenty-five per cent of the employees of the
107 contractor or subcontractor are a minority, and (2) five per cent of such
108 employees are ex-offenders. An ex-offender who is a minority may be
109 included in the determination of the percentage under subdivisions (1)

110 and (2) of this section.

111 (c) The district board shall set aside in each fiscal year for award to
112 minority business enterprises, on the basis of a competitive bidding
113 procedure, contracts or portions of contracts for the construction or
114 reconstruction of capital improvements to the water supply system or
115 sewerage system operated by the district. The total value of such
116 contracts or portions thereof to be set aside shall be at least eighteen
117 and three-quarter per cent of the average of the total value of all such
118 contracts let by the district for each of the previous three fiscal years,
119 provided a contract that may not be set aside due to a conflict with a
120 federal law or regulation shall not be included in the calculation of
121 such average.

122 (d) (1) The Commission on Human Rights and Opportunities shall
123 conduct a study to determine if there is a disparity between the
124 number of qualified minority businesses ready, willing and able to
125 contract or subcontract with the district for the construction or
126 reconstruction for capital improvements to the water supply system or
127 sewerage system operated by the district and the number of qualified
128 minority businesses actually engaged to perform such contract. Such
129 study shall include recommendations on revisions to the percentage of
130 minority hiring provided for in subsection (b) of this section and to the
131 percentage of contracts to be set aside under subsection (c) of this
132 section. The study shall be submitted on or before December 1, 2007, to
133 the district and the joint standing committee of the General Assembly
134 having cognizance of matters relating to planning and development.
135 On or after January 1, 2008, the district may increase or decrease the
136 percentage of minority hiring provided for in subsection (b) of this
137 section or the percentage of contracts to be set aside under subsection
138 (e) of this section in accordance with the recommendations of said
139 report.

140 (2) The commission may waive or postpone the percentage of
141 minority hiring provided for in subsection (b) of this section and the
142 percentage of contracts to be set aside under subsection (c) of this

143 section based on the availability of contractors and subcontractors in
144 the labor force who can perform the contract.

145 (e) The Commission on Human Rights and Opportunities shall
146 select and appoint an independent construction contract compliance
147 officer or agent to monitor compliance by the district and each prime
148 construction contractor with the provisions of this section. The
149 independent contract compliance officer or agent shall file a written
150 report of his or her findings and recommendations with the
151 commission and the district quarterly. If the commission determines,
152 based on review of a written report, that the district is not in
153 compliance with the provisions of this section, the authority of the
154 district to impose and collect a fee pursuant to subsection (e) of
155 number 438 of the special acts of 1941, as amended by this act, shall be
156 suspended until the commission determines that the district is in
157 compliance with this section.

158 Sec. 4. (*Effective July 1, 2007*) (a) For the purposes described in
159 subsection (b) of this section, the State Bond Commission shall have
160 the power, from time to time, to authorize the issuance of bonds of the
161 state in one or more series and in principal amounts not exceeding in
162 the aggregate ten million dollars.

163 (b) The proceeds of the sale of said bonds, to the extent of the
164 amount stated in subsection (a) of this section, shall be used by the
165 Department of Environmental Protection for the purpose of a grant to
166 the Metropolitan District Commission to be used for the elimination of
167 the overflow of sanitary sewage to Trout Brook, Piper Brook, Mill
168 Brook, Goff Brook, Meadow Brook and the Connecticut River caused
169 by the inflow of rainwater from drains, roof leaders and sump pumps
170 and infiltration of groundwater into the sanitary sewers of West
171 Hartford, Newington, Rocky Hill, Wethersfield and Windsor.

172 (c) All provisions of section 3-20 of the general statutes, or the
173 exercise of any right or power granted thereby, which are not
174 inconsistent with the provisions of this section are hereby adopted and
175 shall apply to all bonds authorized by the State Bond Commission

176 pursuant to this section, and temporary notes in anticipation of the
177 money to be derived from the sale of any such bonds so authorized
178 may be issued in accordance with said section 3-20 and from time to
179 time renewed. Such bonds shall mature at such time or times not
180 exceeding twenty years from their respective dates as may be provided
181 in or pursuant to the resolution or resolutions of the State Bond
182 Commission authorizing such bonds. None of said bonds shall be
183 authorized except upon a finding by the State Bond Commission that
184 there has been filed with it a request for such authorization which is
185 signed by or on behalf of the Secretary of the Office of Policy and
186 Management and states such terms and conditions as said commission,
187 in its discretion, may require. Said bonds issued pursuant to this
188 section shall be general obligations of the state and the full faith and
189 credit of the state of Connecticut are pledged for the payment of the
190 principal of and interest on said bonds as the same become due, and
191 accordingly and as part of the contract of the state with the holders of
192 said bonds, appropriation of all amounts necessary for punctual
193 payment of such principal and interest is hereby made, and the State
194 Treasurer shall pay such principal and interest as the same become
195 due.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	Number 438 of the special acts of 1941
Sec. 2	<i>from passage</i>	Number 511 of the special acts of 1929, Sec. 39
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>July 1, 2007</i>	New section

Statement of Legislative Commissioners:

Sec. 4. was added to reflect the committee's intent.

PD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Human Rights & Opportunities, Com.	GF - Cost	250,000	100,000

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill would result in a cost to the Commission on Human Rights and Opportunities (CHRO) for consultants to perform the disparity study and to contract for a full-time compliance officer to monitor the Metropolitan District Commission (MDC) and its contract compliance. Detail appears in the table below:

Item:	FY 08	FY 09
Consultant: Disparity Study	150,000	0
Consultant: MDC Contract Compliance	100,000	100,000
Total	250,000	100,000

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation, for the MDC contract compliance contractor. There would be no ongoing fiscal impact for the disparity study consultant, since the cost is one-time in nature.

OLR Bill Analysis

sSB 1250

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SUMMARY:

The Office of Legislative Research does not analyze Special Acts.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 14 Nay 4 (03/23/2007)